

**TENTATIVE RULINGS**

**CIVIL / FAMILY LAW CASE MANAGEMENT CALENDAR**

**For: 4/19/10 Monday Dept: 1A**

**(Posted 4/15/10)**

Tentative Rulings are proposed as orders to be issued at the hearing and are posted in advance for the convenience of the parties and their counsel. Any party objecting to the tentative ruling should promptly notify the opposing party of the substance of the objection with sufficient time to allow all parties, or their attorneys of record, to appear in person or by telephone at the scheduled hearing. Absent objection, the Court routinely adopts the tentative ruling as posted. Failures to appear, absent an order to appear, are deemed consent to the tentative ruling.

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1. **1:00 PM** Case: CF8875 [M] MIDLAND FUNDING LLC v HERNANDEZ  
Type: COLLECTIONS Date Filed: 09/29/09  
Priority Info: RULE 3.740  
Event: OSC RE: FILING COMPLIANCE  
\*VACATE IF ALL POS/ANSWERS ARE FILED\*

PLNTFF: MIDLAND FUNDING LLC ATTY: MANN BRACKEN LLP  
DEFNDT: HERNANDEZ, JOSEPH E

Tentative Ruling: Plaintiff has not filed a proper proof of service as to all defendants. Plaintiff must file proof of service as to all defendants or file a declaration of good cause prior to the OSC re: Sanctions [CRC 3.740(e)] hearing in Department 1A at 1:00 PM on 9/20/10.

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2. **1:00 PM** Case: CF8876 [M] AMERICAN EXPRESS v ALBERTROACH  
Type: COLLECTIONS Date Filed: 09/29/09  
Priority Info: RULE 3.740  
Event: OSC RE: FILING COMPLIANCE  
\*VACATE IF ALL POS/ANSWERS ARE FILED\*

PLNTFF: AMERICAN EXPRESS CENTURION BANK ATTY: MANN BRACKEN LLP  
DEFNDT: ALBERTROACH, SANDRA

Tentative Ruling: Plaintiff has not filed a proper proof of service as to all defendants. Plaintiff must file proof of service as to all defendants or file a declaration of good cause prior to the OSC re: Sanctions [CRC 3.740(e)] hearing in Department 1A at 1:00 PM on 9/20/10.

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3. 1:00 PM Case: CF8915 [M] RBS CITIZENS NA v BAPTISTA  
Type: COLLECTIONS Date Filed: 10/22/09  
Event: CASE MANAGEMENT CONFERENCE-CIVIL

PLNTFF: RBS CITIZENS NA ATTY: HOLLINS SCHECHTER  
DEFNDT: BAPTISTA, SHANE JEREMY  
Service Date/Type: 03/05/10 PER 00/00/00  
DEFNDT: BAPTISTA, WENDY LEE ATTY: FARLEY, PAUL F. ESQ.  
Service Date/Type: 00/00/00 Answer Date: 03/09/10

Tentative Ruling: The matter is not At-Issue and is set for further Case Management. By the next CMC, unless all defendants have filed responsive pleadings, Plaintiff is ordered to file defaults or dismissals of all defendants. The CMC is set for Dept 1A at 1:00 PM on 6/21/10.

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4. 1:00 PM Case: CV32733 [S] DIGIALONARDO, ETAL v MARINA RIDGE, ETAL  
Type: BREACH OF CONTRACT Date Filed: 06/05/06  
Event: FURTHER CASE MANAGEMENT CONFERENCE

PLNTFF: DIGIALONARDO, TOM D. ATTY: IN PRO PER  
PLNTFF: GRECI, CYNTHIA M. ATTY: IN PRO PER  
DEFNDT: MARINA RIDGE LLC  
DEFNDT: DOUBINSKI, LEONARD ATTY: MATTA, GARY R. ESQ.  
DEFNDT: VLD REALTY ATTY: MATTA, GARY R. ESQ.  
AKA: VLD REALTY GROUP LLC  
DBA: CALYPSO BAY HOME SALES  
DF/X-D: BLDCO - C/O VLADIMIR KAMYSIN ATTY: MCCARTNEY & ASSOCIATES  
Service Date/Type: 08/04/06 SUB Answer Date: 09/15/06  
X-DEFT PIMENTEL, BALDOMERO CRUZ  
DBA: BP CONCRETE

Tentative Ruling: The matter is not At-Issue and is set for further Case Management. By the next CMC, unless all defendants have filed responsive pleadings, Plaintiff is ordered to file defaults or dismissals of all defendants. The CMC is set for Dept 1A at 1:00 PM on 8/23/10.

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5. 1:00 PM Case: CV35218 [S] MCNABB v CHAND/SINGH  
Type: BREACH OF CONTRACT Date Filed: 11/05/08  
Event: FURTHER CASE MANAGEMENT CONF-CIVIL

PLNTFF: MCNABB, LEE OTIS ATTY: FOLEY LAW OFFICES, KENNETH M.  
DEFNDT: CHAND, SHANA  
Service Date/Type: 03/19/09 SUB 00/00/00  
DEFNDT: SINGH, KULDEEP  
Service Date/Type: 03/19/09 PER 00/00/00

Tentative Ruling: The matter is not At-Issue and is set for further Case Management. By the next CMC, unless all defendants have filed responsive pleadings, Plaintiff is ordered to file defaults or dismissals of all defendants. The CMC is set for Dept 1A at 1:00 PM on 10/25/10.

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6. 1:00 PM Case: CV35232 [S] ANDERSON KREISS v MCKINLEY  
Type: QUIET TITLE Date Filed: 11/14/08  
Event: FURTHER CASE MANAGEMENT CONF-CIVIL  
07/13/10 11:00 1 TRIAL CONFIRMATION CONFERENCE  
COUNSEL MAY APPEAR TELEPHONICALLY  
07/14/10 9:00 1 COURT TRIAL - CIVIL

PLNTFF: ANDERSON KRIESS, BARBARA E ATTY: ALLEN, JOHN B ESQ  
TRSTEE: BARBARA E ANDERSON KREISS LIVI  
DEFNDT: MCKINLEY, MARGARET ELAINE ATTY: ARDOIN, ROSE E ESQ  
Service Date/Type: 11/24/08 NAR Answer Date: 04/17/09  
TRSTEE: MARGARET ELAINE MCKINLEY 1998  
DEFNDT: ALL PERSONS UNKNOWN

Tentative Ruling: Trial is confirmed.

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7. 1:00 PM Case: CV35941 [S] MIDORA v MIDORA  
Type: REAL PROPERTY Date Filed: 08/06/09  
Event: FURTHER CASE MANAGEMENT CONFERENCE

PLNTFF: MIDORA, DAHN ATTY: NICKENS, THOMAS A. ESQ.  
DEFNDT: MIDORA, CARLOTTA  
Service Date/Type: 10/15/09 PER 00/00/00  
AKA: MIDORA, CARLOTTA K

Tentative Ruling: This matter awaits entry of judgment. The matter is continued for further case management, if judgment enters in the interim the following date will be vacated, Dept 1A at 1:00 PM on 8/23/10.

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8. 1:00 PM Case: CV36318 [S] PORTFOLIO RECOVERY v FURTNEY  
Type: PETITION RE: ARBITRATION AWARD Date Filed: 12/14/09  
Event: CASE MANAGEMENT CONFERENCE-CIVIL

ASSINEE PORTFOLIO RECOVERY ASSOCIATES LLC ATTY: LOPEZ, SAMANTHA ESQ.  
PETNR: MBNA AMERICA BANK N.A.  
RESP: FURTNEY, DEANNA S.  
Service Date/Type: 01/26/10 PER 00/00/00

Tentative Ruling: This matter awaits entry of judgment. The matter is continued for further case management, if judgment enters in the interim the following date will be vacated, Dept 1A at 1:00 PM on 8/23/10.

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9. 1:00 PM Case: CV36320 [S] HENSLEY v BEAR VALLEY SPORT  
Type: NEGLIGENCE Date Filed: 12/11/09  
Event: CASE MANAGEMENT CONFERENCE-CIVIL

PLNTFF: HENSLEY, DAWN ATTY: BROWN HALL SHORE & MCKINLEY  
DEFNDT: BEAR VALLEY SPORT SHOP INC  
Service Date/Type: 01/08/10 SUB 00/00/00

Tentative Ruling: The matter is not At-Issue and is set for further Case Management. By the next CMC, unless all defendants have filed responsive pleadings, Plaintiff is ordered to file defaults or dismissals of all defendants. The CMC is set for Dept 1A at 1:00 PM on 10/25/10.

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10. 1:00 PM Case: CV36322 [S] VENTURA v MOTIU DDS  
Type: MALPRACTICE - MEDICAL/DENTAL Date Filed: 12/15/09  
Event: CASE MANAGEMENT CONFERENCE-CIVIL

PLNTFF: VENTURA, DAVID ATTY: ASH, CYRIL ESQ  
DEFNDT: MOTIU, JOANNA DDS ATTY: SELLAR HAZARD MCNEELY & MANNI  
Service Date/Type: 00/00/00 Answer Date: 02/16/10

Tentative Ruling: The case is At-Issue and mediation is recommended to the parties. A Trial Setting Conference is set in Dept. 1A at 1:00 PM on 9/20/10.

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11. 1:00 PM Case: CV36335 [S] CITIBANK (S.D.) N.A. v HEATH  
Type: DEBT/COLLECTIONS Date Filed: 12/22/09  
Event: CASE MANAGEMENT CONFERENCE-CIVIL

PLNTFF: CICIBANK (SOUTH DAKOTA) N.A. ATTY: HUNT & HENRIQUES  
DEFNDT: HEATH, DENISE J.  
Service Date/Type: 12/26/09 PER 00/00/00

Tentative Ruling: The matter is not At-Issue and is set for further Case Management. By the next CMC, unless all defendants have filed responsive pleadings, Plaintiff is ordered to file defaults or dismissals of all defendants. The CMC is set for Dept 1A at 1:00 PM on 9/20/10.

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12. **1:30 PM** Case: CV34104 [S] FLORES v FLORES  
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 09/25/07  
Event: FURTHER CASE MANAGEMENT CONF-FAMILY LAW

PETNR: FLORES, MATT D. ATTY: IN PRO PER  
RESP: FLORES, SASHA K.  
Service Date/Type: 06/17/09 PER 00/00/00

Tentative Ruling: The parties are not divorced. There is Proof of Service but no Response (FL-120) or Default (FL-165). Prior to the next CMC, unless a Response is filed, Petitioner must file the Request for Default or dismiss the action. The CMC is set for Dept 1A at 1:30 PM on 8/23/10.

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13. 1:30 PM Case: CV34120 [S] PEANG v SNEED III  
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 10/03/07  
Event: FURTHER CASE MANAGEMENT CONF-RE JUDGMENT

PETNR: PEANG, TEPI ATTY: IN PRO PER  
RESP: SNEED, VERNON III  
Service Date/Type: 10/15/07 PER 00/00/00

Tentative Ruling: If a final Judgment (FL-180) on all issues is on file prior to the next Case Management hearing the Case Management hearing will be vacated. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 1:30 PM on 7/19/10.

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14. 1:30 PM Case: CV34178 [S] COOPER v COOPER  
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 10/26/07  
Event: TRIAL SETTING RE CHILD SUPPORT

PETNR: COOPER, CHRISTINA D. ATTY: SALAZAR, ANTHONY T. ESQ  
J/PRTY: COUNTY OF CALAVERAS D.A.: CENTRAL SIERRA CHILD SUPPORT  
RESP: COOPER, CORY L ATTY: MIKELICH, STEVEN G. ESQ

Tentative Ruling: The matter is set for Settlement and Trial Setting Conference re: Child Support (See Local Rule 5.9(b)) with Settlement Conference Statements due 5 court days prior to hearing at 2:30 PM in Dept. 1A on 5/17/10.

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15. 1:30 PM Case: CV34559 [S] NELSON v NELSON  
Type: DISSOLUTION WITHOUT MINOR CHIL Date Filed: 04/01/08  
Priority Info: STATUS ONLY MSE 06-09-09  
Event: FURTHER CASE MANAGEMENT CONF-FAMILY LAW

PETNR: NELSON, DEBRA ATTY: IN PRO PER  
RESP: NELSON, MICHAEL J. ATTY: IN PRO PER  
Service Date/Type: 04/16/08 PER Answer Date: 05/06/08

Tentative Ruling: Respondent is ordered to serve and file a Final Declaration of Disclosure (FL-141) prior to the next hearing. This matter may be concluded by filing a Marital Settlement Agreement ("MSA") signed by the parties attached to the Judgment (FL-180). After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 1:30 PM on 7/19/10.

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16. 1:30 PM Case: CV34772 [S] CLOUGH v CLOUGH  
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 06/10/08  
Event: FURTHER CASE MANAGEMENT CONF-FAMILY LAW

PETNR: CLOUGH, JILL ATTY: HOLLOWAY, J. CHRISTOPHER ESQ  
RESP: CLOUGH, RICK ATTY: YANKOVSKY, KRISTINE ESQ  
Service Date/Type: 00/00/00 Answer Date: 08/08/08

Tentative Ruling: This matter may be concluded by filing a Marital Settlement Agreement ("MSA") signed by the parties attached to the Judgment (FL-180). After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 1:30 PM on 7/19/10.

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17. 1:30 PM Case: CV35707 [S] VARN v VARN  
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 05/12/09  
Event: FURTHER CASE MANAGEMENT CONFERENCE

Related cases NOT on this calendar: CV32163 , CV31594 ,  
PETNR: VARN, LAURA A ATTY: IN PRO PER  
RESP: VARN, WAYNE  
Service Date/Type: 06/09/09 PER 00/00/00

Tentative Ruling: The parties are not divorced. There is Proof of Service but no Response (FL-120) or Default (FL-165). Prior to the next CMC, unless a Response is filed, Petitioner must file the Request for Default or dismiss the action. The CMC is set for Dept 1A at 1:30 PM on 8/23/10.

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18. 1:30 PM Case: CV35963 [S] SCHOONOVER v SCHOONOVER  
Type: DISSOLUTION WITHOUT MINOR CHIL Date Filed: 08/12/09  
Event: FURTHER CASE MANAGEMENT CONFERENCE

PETNR: SCHOONOVER, CHRISTOPHER BENSON ATTY: IN PRO PER  
RESP: SCHOONOVER, TRACY JAY  
Service Date/Type: 08/22/09 PER 00/00/00

Tentative Ruling: Petitioner is ordered to serve and file a Preliminary Declaration of Disclosure (FL-141) prior to the next hearing. There is Proof of Service but no Response (FL-120) or Default (FL-165). Prior to the next CMC, unless a Response is filed, Petitioner must file the Request for Default or dismiss the action. The CMC is set for Dept 1A at 1:30 PM on 7/19/10.

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19. 1:30 PM Case: CV36051 [S] HETZLER v GONSALVES  
Type: ESTABLISH PARENTAL RELATIONSHI Date Filed: 09/10/09  
Event: FURTHER CASE MANAGEMENT CONF-FAMILY LAW

Related cases NOT on this calendar: CV32266 ,  
PETNR: HETZLER, ADAM ROY V-01887 ATTY: IN PRO PER  
RESP: GONSALVES, CHRISTINA LYNN

Tentative Ruling: The petitioner has not filed a Proof of Service (FL-115) of the Summons and Petition with the court. The court cannot proceed with any orders until Proof of Service is filed. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 1:30 PM on 7/19/10.

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20. 1:30 PM Case: CV36061 [S] GILL v GILL  
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 09/15/09  
Event: FURTHER CASE MANAGEMENT CONF-FAMILY LAW

Related cases NOT on this calendar: CV35866 ,  
PETNR: GILL, MICHELLE L ATTY: IN PRO PER  
RESP: GILL, MARK H ATTY: SALAZAR, ANTHONY T. ESQ  
Service Date/Type: 09/17/09 PER Answer Date: 10/19/09

Tentative Ruling: Respondent is ordered to serve and file a Preliminary Declaration of Disclosure (FL-141) prior to the next hearing. Thereafter, Petitioner and Respondent are ordered to serve and file Final Declarations of Disclosure (FL-141) prior to the next hearing. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 1:30 PM on 7/19/10.

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21. 1:30 PM Case: CV36073 [S] MCGLOTHERN JR v MCGLOTHERN  
Type: DISSOLUTION WITHOUT MINOR CHIL Date Filed: 09/18/09  
Event: FURTHER CASE MANAGEMENT CONF-FAMILY LAW

Related cases NOT on this calendar: CV36143 ,  
PETNR: MCGLOTHERN, EDWARD C JR ATTY: WOOD, DARLENE D ESQ  
RESP: LUIS-MCGLOTHERN, KYLA ROSE ATTY: SPITZE, CHERIE ESQ  
Service Date/Type: 09/24/09 PER Answer Date: 11/16/09  
CLAMNT: TEAMSTERS-UPS NATL 401(K)TAX DEF ATTY: GIBSON DUNN & CRUTCHER LLP

Tentative Ruling: Petitioner is ordered to serve and file a Preliminary and Final Declaration of Disclosure (FL-141) prior to the next hearing. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 1:30 PM on 7/19/10.

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22. 1:30 PM Case: CV36080 [S] SMAIL v SMAIL  
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 09/23/09  
Event: FURTHER CASE MANAGEMENT CONF-FAMILY LAW  
05/11/10 9:00 1 PETITIONER'S OSC RE: CHILD SUPPORT &  
SPOUSAL SUPPORT

PETNR: SMAIL, SHELLEY M ATTY: TRIFILO, JOHN J. ESQ  
RESP: SMAIL, DONALD S  
Service Date/Type: 03/13/10 PER 00/00/00  
CLAMNT: CALIFORNIA PUBLIC EMPLOYEES' RETI  
CLAMNT: CALPERS SUPPLEMENTAL INCOME PLANS  
CLAMNT: CITY OF STOCKTON DEFERRED COMPENS

Tentative Ruling: Petitioner is ordered to serve and file a Preliminary Declaration of Disclosure (FL-141) prior to the next hearing. This matter may be concluded by filing a Marital Settlement Agreement ("MSA") signed by the parties attached to the Judgment (FL-180). After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 1:30 PM on 7/19/10.

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23. 1:30 PM Case: CV36308 [S] REIF v REIF  
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 12/10/09  
Event: CASE MANAGEMENT CONFERENCE-FAMILY LAW  
05/12/10 9:00 4 CSCSA'S MOTION FOR CONSOLIDATION W/  
CV34909 (CV36308 TO BE LEAD)

Related cases NOT on this calendar: CV34909 ,  
PETNR: REIF, LAUREN A ATTY: IN PRO PER  
J/PRTY: COUNTY OF CALAVERAS D.A.: CENTRAL SIERRA CHILD SUPPORT  
RESP: REIF, JONATHAN W ATTY: IN PRO PER  
Service Date/Type: 12/18/09 PER 00/00/00

Tentative Ruling: Petitioner and Respondent are ordered to serve and file Preliminary Declarations of Disclosure (FL-141) prior to the next hearing. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 1:30 PM on 7/19/10.

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24. 1:30 PM Case: CV36324 [S] BECKMAN v BECKMAN  
Type: DISSOLUTION WITHOUT MINOR CHIL Date Filed: 12/17/09  
Event: CASE MANAGEMENT CONFERENCE-FAMILY LAW

PETNR: BECKMAN, DELORES J ATTY: IN PRO PER  
RESP: BECKMAN, BRUCE M

Tentative Ruling: The petitioner has not filed a Proof of Service (FL-115) of the Summons and Petition with the court. The court cannot proceed with any orders until Proof of Service is filed. Petitioner is ordered to serve and file a Preliminary Declaration of Disclosure (FL-141) prior to the next hearing. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 1:30 PM on 8/23/10.

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25. **2:30 PM** Case: CV33702 [S] KAUTZ v KAUTZ  
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 05/10/07  
Event: SETTLEMENT AND TRIAL SETTING CONFERENCE  
GRANT V. BARRETT, JUDGE PRO TEM

PETNR: KAUTZ, STEPHEN ATTY: LANE DUNCAN & LAMBERTSON  
RESP: KAUTZ, LORI ATTY: BROWN HALL SHORE & MCKINLEY  
Service Date/Type: 06/01/07 PER Answer Date: 02/01/08

Tentative Ruling: There is no Tentative Ruling on this case. The parties, and their legal counsel if represented, are ordered to appear.

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26. 2:30 PM Case: CV35209 [S] EASTWOOD v EASTWOOD  
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 11/03/08  
Event: SETTLEMENT CONFERENCE-FAMILY LAW  
GRANT V. BARRETT, JUDGE PRO TEM

PETNR: EASTWOOD, MICHELE L ATTY: IN PRO PER  
J/PRTY: COUNTY OF CALAVERAS D.A.: CENTRAL SIERRA CHILD SUPPORT  
MINOR: EASTWOOD MINORS P.D.: KEENE (P.D.), PATRICK M ESQ  
RESP: EASTWOOD, DAVID ATTY: ASH, CYRIL ESQ  
Service Date/Type: 00/00/00 Answer Date: 01/26/09  
CLAMNT: CARPENTER PEN. TRUST FUND FOR NO. ATTY: KRAW & KRAW

Tentative Ruling: There is no Tentative Ruling on this case. The parties, and their legal counsel if represented, are ordered to appear.

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27. 2:30 PM Case: CV35423 [S] RAYMOND v RAYMOND  
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 01/28/09  
Event: SETTLEMENT AND TRIAL SETTING CONFERENCE  
GRANT V. BARRETT, JUDGE PRO TEM

PETNR: RAYMOND, BARRY ATTY: YANKOVSKY, KRISTINE ESQ  
RESP: RAYMOND, DANIELLE ATTY: IN PRO PER  
Service Date/Type: 01/31/09 PER Answer Date: 02/17/09

Tentative Ruling: There is no Tentative Ruling on this case. The parties, and their legal counsel if represented, are ordered to appear.

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28. 2:30 PM Case: CV35629 [S] SIMONS v SIMONS  
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 04/13/09  
Event: SETTLEMENT CONFERENCE/TRIAL SETTING

Related cases NOT on this calendar: C14211 , JD4851 , JD4852 ,  
PETNR: SIMONS, PEGGY J. ATTY: CHAVEZ-OCHOA LAW OFFICES INC.  
RESP: SIMONS, JASON L. ATTY: IN PRO PER  
Service Date/Type: 00/00/00 Answer Date: 05/22/09

Tentative Ruling: There is no Tentative Ruling on this case. The parties, and their legal counsel if represented, are ordered to appear.

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